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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

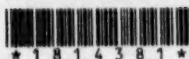
Written statement* submitted by Il Cenacolo, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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The deteriorating human rights situation in Cuba

Il Cenacolo is deeply concerned by the worsening human rights situation in Cuba.

Cuban women, members of the Ladies in White, continue to be regularly detained and physically assaulted when they exercise their right to freedom of assembly and freedom of expression marching for the release of all political prisoners, and the respect for human rights.

The Cuban Commission of Human Rights and National Reconciliation reported in June 2018 that there were 120 identified political prisoners in Cuba with some the longest serving in the Western Hemisphere. Twenty one of them have served between 15 and 27 years in prison. There are new prisoners of conscience being added to that list today in Cuba. Here we will focus on two cases.

Dr Ariel Ruiz Urquiola, a former university professor and an environmental activist, was arrested on May 3, 2018 and sentenced in Cuba to one-year imprisonment for contempt when he asked two forest rangers to show him their identification. The officials left the area and later in the evening three police officers came with a warrant, arrested and took Ariel to the police Station in Viñales. On May 8, 2018 he was sentenced to one year in prison by the Municipal Court of Viñales. It is important to recall that the Cuban legal system is not independent but subordinate to the legislative and executive branches that both under the rule of Raul Castro, head of the Cuban Communist Party. Omara Urquiola, sister of Ariel, informed Amnesty International "that prison officials threatened her to stop speaking with the international press or they would suspend Ariel's visits and communication with his family." Following a hunger and thirst strike and international scrutiny, Ariel was released with an extra-penal license and his legal status remains unclear.

Eduardo Cardet Concepción is a Cuban physician, human rights defender, and national coordinator of the Christian Liberation Movement (MCL). He joined the MCL then headed by Oswaldo Payá Sardiñas in the early 2000s. Eduardo was an active participant in various MCL initiatives aimed at achieving a nonviolent transition to democracy in Cuba. He was a manager of the Varela Project, the Heredia Project, The Peoples Path and One Cuban, One Vote. Cardet held various responsibilities within the organization and was a member of the movement's coordinating council.

Following the extrajudicial killing of Oswaldo Payá and Harold Cepero on July 22, 2012, the Christian Liberation Movement restructured its leadership and Eduardo Cardet was appointed national coordinator of the movement in November of 2014.

Due to his opposition activity Eduardo Cardet has been arbitrarily detained on several occasions. The last time he was taken prisoner by the Cuban political police was on November 30, 2016, shortly after the death of Fidel Castro. The MCL has denounced that on that occasion he was also badly beaten by Castro's state security agents. The beatings continued following his arrest in the detention center.

On January 31, 2017 Amnesty International issued an urgent action and recognized Eduardo Cardet as a prisoner of conscience. Despite this status and the call for his immediate release, Cardet was sentenced to three years in prison on March 20, 2017 following a show trial in Cuba.

Nine months later he was badly beaten, struck in the head, and stabbed twice by prisoners in the stomach with a sharp object on December 19, 2017 in what appears to have been a politically motivated attack engineered by prison officials.

Members of the Christian Liberation Movement, on April 5, 2018, attempted to turn in a petition signed by 10,000 Cubans and they were detained for 24 hours and the signatures seized by the political police. There are fears that those who signed will be persecuted.

Prison officials suspended visits for six months and his family denounced the measure. Yaimaris Vecino, the wife of Eduardo Cardet protested:

"Today, May 26, [2018] we went to the prison in Cuba Si, it was the visit that Eduardo's mother, his sister, my children and I scheduled, and they prevented us from seeing him, the prison authorities alleging that Eduardo has given 'false information' that according to them, the family is spreading and in retaliation suspended visits for six months."

Yaimaris went on to say that *"this is a new arbitrariness against Eduardo and I seriously fear for his physical integrity."*

Eduardo was last able to speak with his family on July 28, 2018 over the phone. On August 15, 2018 it was learned that Eduardo Cardet would not be able to make or receive calls during two months. This is an additional punishment on top of the six month prohibition of family visits.

Eduardo Cardet Concepción was born in Holguín, Cuba on October 25, 1968. He is married to Yaimaris Vecino with two young children, worked as a family doctor at the health center in the town of Velasco in Holguín province.

Il Cenacolo would like to call attention to the harassment, death threats, and attacks carried out against Sirley Avila Leon by government agents. The violence escalated until on May 24, 2015 Osmany Carrión attacked her with a machete severing her left hand, nearly severing her right arm, and cutting into her knees leaving her to die. Lack of adequate medical treatment left her a complete invalid, and she had to leave to Miami on March 8, 2016 to obtain medical care and regain the ability to walk. She returned to Cuba six months later on September 7, 2016 to find her home occupied, her attacker free and still threatening to harm her, and within hours a camera and microphone were placed on a post across the street from her mother's home. Death threats intensified and Sirley Avila Leon fled Cuba and requested political asylum on October 28, 2016.

Il Cenacolo is also deeply worried by Cuba's downplaying of racism in the island. The UN Committee on the Elimination of All Forms of Racial Discrimination (UN-CERD) met in Geneva on August 15, 2018 to examine racism in Cuba. The Cuban government representative testified before the Committee that "racial discrimination is not a generalized problem in Cuba, there has been just one complaint of discrimination. Measures were taken: the perpetrator was sanctioned and the victim seemed satisfied. There are very few isolated cases." The government also claimed that there are no racial majorities or minorities despite recognizing that 64% of Cubans identify as white and 9% as black.

Meanwhile human rights defenders Juan Antonio Madrazo and Norberto Mesa, both of whom are Cubans of African descent, who were to attend the same UN-CERD session were detained arbitrarily and banned by the Cuban government from traveling there to address the question of racism in Cuba.

Finally, the Cuban government told the UN-CERD that human rights defenders in Cuba face no limitations to exercise their activities. The diplomats assured that there have been no reprisals or harassment of activists. Sadly, the facts say otherwise.

**A/HRC/39/
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Human Rights Council

Thirty-ninth session

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Agenda item 6

Universal periodic review

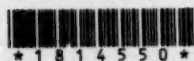
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Item 6 – Universal Periodic Review (Cuba)

With regard to the Universal Periodic Review held on May 16, 2018, Il Cenacolo regrets that the government of Cuba missed yet another opportunity to show its commitment to address key human rights issues.

Despite the rhetoric of change in Cuba, the reality remains that Cuba is a dynastic State that systematically violates international human rights standards.

There is no independent national human rights institution in Cuba. Cuba's courts remain subordinated to the National Assembly and the Council of State that are dominated and directed by Raul Castro.

Despite great fanfare in 2008 when the Cuban government signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, a decade later and they have still not been ratified.

Nor has the Cuban government ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Students who hold political and religious views contrary to the State are denied access to education or are expelled once they are discovered. Three high profile cases were documented in 2017.

Twenty year old student, Felix Yuniel Llerena Lopez, was expelled from the Enrique Jose Varona Pedagogical University in Havana on May 8, 2017 after he attended workshops on democracy at the University of Miami in Florida. Felix is a regional coordinator of the Patmos Institute that defends religious freedoms and human rights and a promoter of the CubaDecide initiative, which seeks a Cuban plebiscite.

Eighteen year old journalism student, Karla Perez Gonzalez, was expelled from Marta Abreu University of Santa Clara for "political reasons" on April 12, 2017. She is a member of Somos+ (We are more), a moderate dissident youth movement.

Twenty four year old David Mauri Cardoso was expelled from the University of Cienfuegos in February of 2017 after he honestly answered politically loaded questions in what was supposed to be a Spanish literature exam.

Political dissent is also still punishable by prison, and in recent years extreme violence has been visited on dissenters. There are over one hundred political prisoners today in Cuba.

The case of Eduardo Cardet Concepción is an example of how peaceful dissent is punished. Dr. Cardet is married with two children, he was a medical doctor at the health center in the town of Velasco in Holguín province, focusing on family care. In 2013 he was expelled from his work in retaliation for his opposition activity.

He is a member of the Christian Liberation Movement (MCL) that seeks a democratic opening in Cuba using nonviolent means and working within existing legal structures.

Protests over this punishment and popular support led to Eduardo Cardet's reinstatement to his old job.

Following the extrajudicial killing of the founding leader of the Christian Liberation Movement, Oswaldo Payá and its youth leader, Harold Cepero, on July 22, 2012, the movement restructured its leadership and Eduardo Cardet was appointed national coordinator in November of 2014.

The repression ramped up against Doctor Cardet when he succeeded Oswaldo Payá as head of the Christian Liberation Movement. Dr. Cardet was arrested on November 30, 2016 after returning from an overseas trip, beaten up by the secret police in front of his wife and two small children. Since that day he has suffered other beatings. Amnesty International recognized him as a prisoner of conscience.

On March 20, 2017 in a summary and politicized trial, Eduardo Cardet was sentenced to three years in prison.

Cardet was stabbed by prisoners on December 19, 2017. On May 26, 2018 his family was told that their visiting rights were suspended for six months in reprisal for the family's activism on his case. Prison authorities have suspended phone calls for two months in addition to the denial of family visits, and he has not been heard from since July 28, 2018.

His crime: speaking negatively of the legacy of Fidel Castro in Cuba and advocating for Cubans to reclaim their sovereignty in a restored democratic order through nonviolent means.

Not all repression leads to prison.

Sirley Ávila León was a delegate to the Municipal Assembly of People's Power in Cuba from June 2005, for the rural area of Limones until 2012 when the authorities gerrymandered her district out of existence. The Cuban government removed her from her position because she had fought to reopen a school in her district, but been ignored by official channels and had reached out to international media. Her son, Yoerlis Peña Ávila, who had an 18 year distinguished career in the Cuban military was forced out when he refused to declare his mother insane and have her committed to a psychiatric facility.

Sirley joined the ranks of the democratic opposition and repression against her increased dramatically. On May 24, 2015 she was the victim of a brutal machete attack carried out by Osmany Carrión, with the complicit assistance of his wife, that led to the loss of her left hand, right upper arm nearly severed, and knees slashed into leaving her crippled. Following the attack she did not receive adequate medical care and was told quietly by medical doctors in Cuba that if she wanted to get better that she would need to leave the country.

On March 8, 2016 she arrived in Miami and began a course of treatments over the next six months during which she was able to walk once again although still limited due to her injuries. She returned to Cuba on September 7, 2016 only to find her home occupied by strangers and her attacker free and bragging that he would finish the job. She moved in with her mother and within a short time a camera and microphone were set up across from her mother's home on a post.

Threats against Sirley's life intensified leading her to flee Cuba to the United States and request political asylum on October 28, 2016. Still the threats did not end and family members were threatened.

Her son, Yoerlis Peña Ávila on March 15, 2017 received a death threat against him and his grandmother, Sirley Leon Aguilera, for being family (son and mother respectively) of Sirley Avila Leon, who was the victim of a May 24, 2015 machete attack carried out by a state security collaborator that left her permanently disabled. The threat is in response to her legal demand presented to recover 126,000 Cuban pesos (\$4,754) in damages resulting from the attack.

On March 15, 2017 Yoerlis was able to send an e-mail to his mother that described what had happened that same day: "I was working and a man that I do not know told me that it was better that the legal demand not be continued because you did not know the risk in which you were exposing me and my grandmother that for you to suffer they could attack us."

Four days earlier on March 11, 2017 Sirley Avila Leon had contacted her son, and again on March 13th on both occasions they discussed the legal action being pursued, but then found it increasingly difficult to communicate.

There is good reason to be concerned with this pattern of threats and harassment. Over a three year period (2012 - 2015) government agents made a series of threats and took actions that culminated in the attempted murder of Sirley Avila Leon on May 24, 2015.

Another round of threats and harassment when she returned to Cuba on September 7, 2016 following medical treatment in Miami led to her decision to leave Cuba on October 28, 2016 and request asylum in the United States when death threats against her person escalated and her attacker, Osmany Carrión, was free and making threats.

The five cases highlighted in this statement reflect the continuing and systemic challenges that human rights defenders and pro-democracy activists face in order to have a legal and safe presence in Cuba to work for change.